

FILED

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

2004 AUG 16 P 3:08

CIVIL ACTION: 04-CV-11069-JLT

U.S. DISTRICT COURT
DISTRICT OF MASS

ABRAHAM PHILIP, MD)
vs.)
JOHN CRONIN, in his personal)
capacity.)
Defendant.)

**AFFIDAVIT IN SUPPORT OF
APPLICATION AND AFFIDAVIT FOR DEFAULT
AGAINST DEFENDANT-JOHN CRONIN**

1. The first Complaint in this case was served on Defendant-Cronin on June 14, 2004.
2. Defendant-Cronin failed to "plead or otherwise defend" (See, F.R.Civ.P. 55(a)) within twenty days of service of the original Complaint.
3. An Amended Complaint was filed on July 7, 2004.
4. As of August 12, 2004, Defendant-Cronin has, for a second time, failed to "plead or otherwise defend".
5. It is apparent that Defendant-Cronin's failure to defend has been intentional or the result of inexcusable neglect because counsel for Defendant-Cronin filed an appearance on June 30, 2004.

6. The statements in this affidavit are made on the basis of personal knowledge, and are made under the pains and penalties of perjury.

RELIEF REQUESTED

WHEREFORE, the plaintiff requests that a judgment of default as to liability for all claims be entered against Defendant-Cronin.

Respectfully Submitted,

Dated: 8/13/04


DANIEL S. SHARP, PC
Daniel S. Sharp (BBO 565524)
Attorney for Plaintiff
196 Atlantic Avenue
Marblehead, MA 01945
781-639-1862

CERTIFICATE OF SERVICE

Daniel S. Sharp certifies that a true copy of the document above was served upon the attorney of record for each other party by first-class, U.S. Mail, plainly addressed and pre-paid on August 13, 2004.

